

1 L. TREVOR GRIMM, ESQ.
State Bar No. 186801
2 Email: ltg@manningllp.com
STEVEN J. RENICK, ESQ.
3 State Bar No. 101255
Email: sjr@manningllp.com
4 **MANNING & KASS**
ELLROD, RAMIREZ, TRESTER LLP
5 15th Floor at 801 Tower
801 South Figueroa Street
6 Los Angeles, CA 90017
Telephone: (213) 624-6900

Attorneys for Defendants
COUNTY OF LOS ANGELES, ADAM PRUITT,
CHRISTINA MARTINEZ, and CASEY CHESHIER

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JAMES "JIM" OWENS) CASE NO: CV08-07116 DMG (Ex)

Plaintiff, } **NOTICE OF APPLICATION TO
THE CLERK TO TAX COSTS**

v.
COUNTY OF LOS ANGELES, et al., } DATE: November 29, 2012
Defendants } TIME: 1:00 P.M.
 } PLACE: Telephonic hearing before
the Clerk of the Court

TO THE PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 29, 2012 at 1:00 P.M., or as soon thereafter as the parties may be heard telephonically before the Clerk of the Court, located at 312 No. Spring Street, Los Angeles, California 90012, defendants COUNTY OF LOS ANGELES, ADAM PRUITT, and CHRISTINA MARTINEZ will apply to the Clerk of the Court to tax the costs set out in the accompanying proposed Bill of Costs.

These three defendants were the prevailing parties as against the plaintiff in this action, as set out in the Judgment entered herein on October 26, 2012 (Document No. 233), a copy of which is attached hereto as Exhibit A.

1 This Application is based on this Notice; the accompanying Application to the Clerk
2 to Tax Costs, Declaration of Steven J. Renick, and proposed Bill of Costs; all pleadings,
3 papers, and records on file in this action; such matters of which judicial notice may be taken;
4 and on such other matters as may be presented prior to or at the hearing.

6 || Dated: November 13, 2012

Respectfully submitted,

MANNING & KASS ELLROD, RAMIREZ, TRESTER LLP

By: /s/ Steven J. Renick
STEVEN J. RENICK
Attorneys for Defendants
COUNTY OF LOS ANGELES, ADAM
PRUITT, and CHRISTINA MARTINEZ

APPLICATION TO THE CLERK TO TAX COSTS

Defendants COUNTY OF LOS ANGELES, ADAM PRUITT, and CHRISTINA MARTINEZ hereby apply to the Clerk of the Court to tax the costs set out in the accompanying proposed Bill of Costs in the amount of \$7,744.43 on the ground that these three defendants were the prevailing parties as against the plaintiff in this action, as set out in the Judgment entered herein on October 26, 2012 (Document No. 233), a copy of which is attached hereto as Exhibit A.

These costs are recoverable by these defendants pursuant to 28 U.S.C. section 1920, Federal Rules of Civil Procedure rule 54, and Local Rule 54. The costs set out in the accompanying proposed Bill of Costs were necessarily incurred in the case and the services for which fees have been charged were actually and necessarily performed.

Dated: November 13, 2012

Respectfully submitted,

MANNING & KASS ELLROD, RAMIREZ, TRESTER LLP

By: /s/ Steven J. Renick
STEVEN J. RENICK
Attorneys for Defendants
COUNTY OF LOS ANGELES, ADAM
PRUITT, and CHRISTINA MARTINEZ

DECLARATION OF STEVEN J. RENICK

I, STEVEN J. RENICK, declare that:

1. I am an attorney at law duly licensed to practice before this court and all of the courts of the State of California. I am an attorney with the law office of Manning & Kass, Ellrod, Ramirez, Trester LLP, the attorneys for defendants COUNTY OF LOS ANGELES, ADAM PRUITT, and CHRISTINA MARTINEZ in this action. If called upon to do so, I could and would competently testify to the following from my personal knowledge.

2. Judgement was entered herein in favor of defendants County of Los Angeles, Adam Pruitt, and Christina Martinez and against plaintiff James Owens in this action on October 26, 2012, a copy of which Judgment is attached hereto as Exhibit A. These defendants are therefore the prevailing parties as against the plaintiff in this action.

3. I have personally reviewed the accompanying proposed Bill of Costs and each item therein is correct. Each such item was necessarily incurred in the case and the services for which fees have been charged were actually and necessarily performed. The costs set out in the proposed Bill of Costs have either been paid for or the obligation for payment has been incurred by the defendants.

4. The costs set out in the proposed Bill of Costs do not include any costs incurred after the verdict was rendered in favor of these three defendants following the first trial of this action.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Los Angeles, California on November 13, 2012.

/s/ Steven J. Renick
STEVEN J. RENICK

1
2
3
4
5
6
7
8
9
10
11 **EXHIBIT A**
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

JAMES (JIM) OWENS,
Plaintiff,
v.
COUNTY OF LOS ANGELES,
Defendants. } Case No. CV 08-7116-DMG (Ex)
} **JUDGMENT**

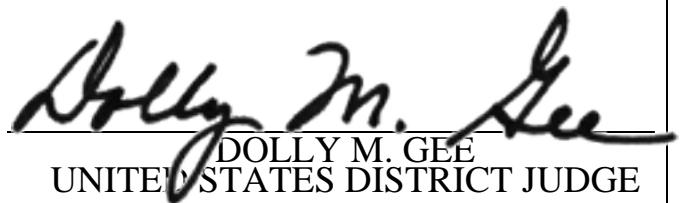
This action was tried before the Court sitting with a jury, Dolly M. Gee, United States District Judge, presiding; the jury rendered its verdict, filed herein on October 13, 2010 [Doc. # 114]; and this Court issued a Judgment on the Verdict for Defendants, filed herein on October 13, 2010 [Doc. # 115]. Thereafter, this Court vacated said Judgment and granted a new trial as to certain issues [Doc. ## 136, 145]. Whereupon, this matter having come before the Court for a new trial, the Court sitting with a jury, and the issues having been duly tried and the jury having duly rendered its verdict, filed herein on September 25, 2012 [Doc. # 232],

//
//
//

1 IT IS ORDERED, ADJUDGED AND DECREED as follows:

- 2 1. Plaintiff James Owens shall have and recover the nominal sum of One Dollar
3 on his Fourth Amendment claim for detention without reasonable suspicion
4 against Defendant Deputy Casey Cheshier (erroneously sued herein as "Deputy
5 Sheshire").
- 6 2. On all other claims, Plaintiff James Owens shall have and recover nothing from
7 Defendants County of Los Angeles, Casey Cheshier, Adam Pruitt, and Cristina
8 Martinez.

9
10 DATED: October 26, 2012


DOLLY M. GEE
UNITED STATES DISTRICT JUDGE